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PATENT
ATTORNEY DOCKET NO.: 056134-5001-US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Robert J. JOHNSTON)	
)	
Application No.: 10/076,313)	Group Art Unit: 3643
)	
Filed: February 19, 2002)	Examiner: Parsley, D.J.
)	
For: COAT BASED ORGANIC GROWTH)	
COMPOUND)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated March 4, 2004.
2. Additional papers enclosed:

Copy of page 2 of Applicant's original filing papers
Terminal Disclaimer (fee \$110.00)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

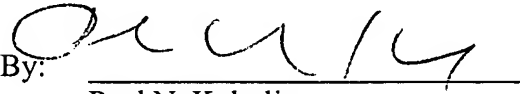
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	?	minus	?	?	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	?	minus	?	?	x \$86 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Paul N. Kokulis
Reg. No. 16773

Dated: March 18, 2004

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COPY



2. Amendments

- ☒ Cancel in this application original claims **2 and 3** of the prior application before calculating the filing fee. **[At least one original claim must be retained for filing purposes.]**
- ☒ A preliminary amendment is enclosed (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. PTO-1449 is submitted herewith.

4. Priority - 35 U.S.C. § 119

- ☐ The certified copy is enclosed.
- ☐ Priority of Application No. _____ filed on _____ in _____ are claimed under 35 U.S.C. § 119.
- ☐ The certified copies have been filed in prior U.S. Application No. _____ on _____.
- ☐ The certified copy will follow.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:
- “This is a ☐ continuation ☒ divisional
of copending application
- ☒ Application Number 09/605,718 filed on June 27, 2000.
- ☐ International Application No. _____ filed on _____ and which designated the U.S.”
- [Reference must be made to each application in the chain of applications being relied on, including the parent application and any application(s) from which it depends.]**

6. Inventorship Statement

- a. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor in this application is:
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted: